

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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KELLY C. OSUJI,

No. 2:22-cv-01121 WBS KJN

Plaintiff,

v.

ORDER DENYING PLAINTIFF'S
MOTION TO STRIKE AFFIRMATIVE
DEFENSES

BREAD FINANCIAL PAYMENTS, INC.,
D/B/A COMENITY BANK.,

Defendant.

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Before the court is plaintiff's motion to strike all but one of the seventeen affirmative defenses asserted in defendant's Answer to the Complaint. (Mot. to Strike (Docket No. 12-1).)

Under Federal Rule of Civil Procedure 12(f), "the court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." See Fed. R. Civ. P. 12(f). However, "[b]ecause motions to strike are 'often used as delaying tactics,' they are 'generally disfavored'

1 and are rarely granted in the absence of prejudice to the moving
2 party." Pickern v. 3 Stonedeggs, Inc., No. 2:13-cv-1373 WBS,
3 2014 WL 309552, at *1 (E.D. Cal. Jan. 28, 2014) (quoting Rosales
4 v. Citibank, Fed. Sav. Bank, 133 F. Supp. 2d 1177, 1180 (N.D.
5 Cal. 2001)).

6 There is no contention that any of the affirmative
7 defenses contain impertinent or scandalous matter. Rather, it is
8 argued that some are not actually affirmative defenses and that
9 defendant has not sufficiently set forth the facts supporting
10 others. There is no persuasive argument that the failure to
11 strike any of those alleged defenses would result in any
12 prejudice to plaintiff. For that reason, plaintiff's motion to
13 strike the affirmative defenses will be DENIED. See Rosales, 133
14 F. Supp. 2d at 1180.

15 IT IS SO ORDERED.

16 Dated: January 6, 2023


17 **WILLIAM B. SHUBB**
18 **UNITED STATES DISTRICT JUDGE**

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